

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 5204 of 2004

Between:

Burada Krishna Madhuri, W/o Bhavani Shankar,
R/o Sanjeevayyanagar, Rajahmundry, East Godavari District.

..... PETITIONER

AND

1. The Govt.of A.P.Rep.by its Secretary, Social Welfare Dept.

Secretariat, Hyderabad.

- 2 The District Collector, East Godavari, Kakinada.

- 3 The Chairman & Joint Collector, District Level Scrutiny

Committee, Kakinada, East Godavari District.

- 4 Bokka Srilakshmi, W/o Venkata Satya Prasad,
R/o 57-5-22/1, Mallikarjunanagar, Rajahmundry, East

Godavari District.

5. The Rajahmundry Municipal Corporation, Rajahmundry, represented by its
Commissioner.

(Added as per the orders of this Court.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ or Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent herein in not taking up the appeal together with application for interim suspension filed on 25-02-2004 as illegal, arbitrary, null and void and for a consequential direction to the 1st respondent herein to dispose of the application for interim suspension pending disposal of the appeal.

Counsel for the Petitioner: MR.M.V.SURESH

Counsel for the Respondent Nos.1to3&5:GP FOR SOCIAL WELFARE

Counsel for the Respondent No.4: MR. T.V.S. PRABHAKARA RAO.

The Court made the following :

ORAL ORDER:

Heard both sides and at the request of both parties the main writ petition itself is taken up for disposal.

The petitioner filed this writ petition, inter alia, seeking for a writ of mandamus against the inaction on the part of first respondent-appellate authority in not taking up the appeal and passing orders in the interlocutory application filed along with the same on 25.02.2002 as illegal.

The case of the petitioner is that having regard to the proceedings dated 23-01-2004 an order was passed against her cancelling the caste certificate held by her. The petitioner had filed an appeal before first respondent, who is the appellate authority on 25-02-2004. Along with the said appeal, the petitioner also moved an application to suspend the operation of the orders dated 23-01-2004 pending disposal of the appeal.

Since the petitioner is an elected Corporator of 23rd ward of Rajahmundry Municipal Corporation under B.C. Category, this Court at the stage of admission granted the interim direction dated 19-03-2004 in W.P.M.P.No.6793 of 2004 directing fifth respondent not to pass any orders in pursuance of the show cause notice dated 13-03-2004.

Having regard to the submissions made by the counsel on either side and also on perusal of the material on record, it is seen that in view of the fact that substantial appeal is pending on the file of first respondent, it is not necessary to go into the merits of the case. It would suffice, in the interest of justice, to direct first respondent to dispose of the appeal.

In the circumstances, the writ petition is disposed of directing first respondent to dispose of the appeal filed by the petitioner on 25-02-2004 within a period of six weeks from the date of receipt of a copy of this order. It is needless to state that the interim direction granted by this Court shall continue pending disposal of the appeal

by first respondent.

16-09-2004

To

1. The Secretary, Govt.of A.P., Social Welfare Dept.
Secretariat, Hyderabad.
- 2 The District Collector, East Godavari, Kakinada.
- 3 The Chairman & Joint Collector, District Level Scrutiny
Committee, Kakinada, East Godavari District.
- 4 The Commissioner, Rajahmundry Municipal Corporation,
Rajahmundry.
5. Two CCs to the Government Pleader for Social Welfare, High Court
Building, Hyderabad. (OUT)
6. Two C.D. copies.

Note: CC by three days.

(Bo)

sj.

